

REMARKS

Claims 2-21 were pending in this application. In the Office Action of April 30, 2008, claims 2, 7-9, 14-16 and 21 were rejected. In the Office Action, claims 3-6, 10-13 and 17-20 were objected to.

Claims 2, 3, 5, 6 and 8 are hereby amended merely to clarify the claimed invention. No claim is added or cancelled herein.

Reconsideration of this application as amended, and allowance of all pending claims 2-21 are hereby respectfully requested.

Claim Amendments

Claims 2, 7-9, 14-16 and 21 are amended herein merely to adopt the Examiner's suggestions. Specifically, the Examiner suggested during the phone interview that claim 2 was unclear because claim 2 did not recite which entities performed each step of claim 2. Although Applicants respectfully disagree that claim 2 is unclear, claims 2, 3, 5 and 8 are hereby amended as suggested by the Examiner to expedite the prosecution of this application. Therefore, entry of the amendment is respectfully requested.

Summary of Substance of Interview

Applicants' representative, Dohyun Ahn (Ltd. Rec. No. L0359), had a telephone interview with Examiner Jungwon Chang on July 1, 2008 to discuss the Office Action. Independent claims 1 and 16, and the cited references U.S. Patent Application Publication No. 2003/0212765 to Takeuchi et al. (Takeuchi), and U.S. Patent Application Publication No. 2002/0032701 to Gao et al. (Gao) were discussed.

An agreement was reached that the cited references failed to disclose the feature of building a first user queue for the first user by selectively including data of the one or more data streams in the first user queue, the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user? as recited in claim 2.

An agreement was also reached to amend claim 2 to specify entities performing the steps of claim 2.

An agreement was also reached that the computer readable storage medium? recited in independent claim 16 excluded transmission medium.

Rejection under 35 USC 103(a)

On page 2 of the Office Action, claims 2, 7-9, 14-16, and 21¹ were rejected under 35 U.S.C. ? 103(a) as being unpatentable over Takeuchi in view of U.S. Patent Application Publication 2006/0278726 to Cano et al. (Cano) in further view of Gao. This rejection is respectfully traversed.

Independent claim 2, as amended, specifically recites *building a first user queue for the first user by selectively including data of the one or more data streams in the first user queue, the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user.*? Building a first user queue is advantageous because the first user may receive updated data from data sources without missing any data even when the

¹ Although page 2 of the Office Action states that claims 2-21 were rejected, this appears to be a typographical error for claims 2, 7-9, 14-16 and 21 because pages 2 and 3 of the Office Action indicates that claims 3-6, 10-13, and 17-20 as being objected to for depending from a rejected base claim and would be allowable if rewritten in independent form.

data of the one or more data streams change more often than the refresh speed at which the data are sent to the first user. See, for example, specification, paragraph [0010]. Furthermore, by delivering only the data that were not delivered to the first user, time and bandwidth need not be wasted on sending data that were previously delivered to the user. This saves the time and bandwidth needed for providing the data to the first user. See, for example, specification, paragraph [0028].

Takeuchi fails to disclose this feature. At best, Takeuchi discloses a delivery engine module that (i) checks if there is undelivered data, (ii) extracts time information of undelivered data, (iii) compares the current time with the extracted time information, and (iv) sends undelivered data to a client after the time indicated by the extracted time information. See Takeuchi, paragraphs [0070] ? [0073]. That is, Takeuchi merely identifies undelivered data in a file system module and delivers such data to the client when it is time. Nowhere in Takeuchi does it disclose anything about building a queue. Therefore, Takeuchi fails to disclose the feature of *building a first user queue for the first user by selectively including data of the one or more data streams in the first user queue, the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user?* as recited in claim 2, as amended.

Neither does Cano disclose this feature. Cano was cited in the Office Action merely for disclosing the feature of allowing a user to access data streams responsive to authenticating the user. Nowhere in Cano does it disclose anything about building a queue that includes data previously undelivered to the user but not include data previously delivered to the user.

Likewise, Gao also fails to disclose this feature. Gao was cited in the Office Action merely for disclosing delivery of data responsive to receiving a refresh request. Nowhere in Gao

does it disclose anything about building a queue that includes data previously undelivered to the user but not include data previously delivered to the user.

As set forth above, none of the cited references discloses the feature of ***building a first user queue for the first user by selectively including data of the one or more data streams in the first user queue, the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user?*** as recited in claim 2. Therefore, the combination of Takeuchi, Cano and Gao also fails to disclose this feature as recited in claim 2. Accordingly, claim 2 is patentably distinguishable from Takeuchi, Cano and Gao.

Claims 7 and 8 depend from claim 2; and thus, the same arguments set forth above with respect to claim 2 are equally applicable to claims 7 and 8. Accordingly, claims 7 and 8 are patentably distinguishable from Takeuchi, Cano and Gao.

Independent claims 9 and 16 also recite ***build the [or a] first user queue . . . the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user.***? Therefore, essentially the same arguments set forth above for claim 2 are equally applicable to claims 9 and 16, and their dependent claims 14, 15, 20 and 21.

Based on the above Amendment and the Remarks, claims 2-21 are patentably distinguishable over the cited references, taken alone or in combination. Therefore, the Examiner is respectfully requested to issue a Notice of Allowance.

If further matters remain outstanding, the Examiner is invited to contact the undersigned
by telephone.

Respectfully submitted,
HARRY SMITH *et al.*

Dated: July 3, 2008

By: /Dohyun Ahn/
Dohyun Ahn, Ltd. Rec. No. L0359
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7291
Fax.: (650) 938-5200